

Remarks:

Applicants have read and considered the Office Action dated November 8, 2010 and the references cited therein. Claims 1, 6, 11, and 12 have been amended. Reconsideration is hereby requested

In the Action, claim 6 is rejected as failing to comply with the enablement requirement. Claim 6 has been amended to delete the term “rank” and recite that the image is recorded at the same angle. The same angle is supported by the specification and drawings as originally filed. Applicants assert that the rejection under 35 U.S.C. § 112, first paragraph has been overcome and should be withdrawn.

Claims 1, 3, 4, 6, 7, 12-17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Cronshaw et al. Applicants respectfully traverse the rejection. Upon careful review, it can be seen that the newly cited Cronshaw reference discloses a method for inspecting packagings by comparing successive images taken of a bottle that is held stationary with respect to the camera. In other words, in Cronshaw, the liquid rotates in the bottle with respect to the bottle, but the rotation of the liquid is caused by rotational movements in a spin-stop station just prior to the bottle being delivered to the carousel. (See column 1, lines 20-34 and column 9, lines 12-24 and 30-36 of Cronshaw). As the successive images are taken while the bottle is on the carousel, although the bottle is in a stationary position with respect to the camera that is mounted on the carousel, the bottle is in fact rotating relative only to the stationary environment but is not rotating relative to the image recording device.

The claims have now been amended and clearly recite a system and method in which the packaging is rotating relative to an image recording device. This is neither shown nor suggested by Cronshaw or any of the other prior art. Cronshaw is mounted so that it cannot be modified to function or have an arrangement as recited in the current claims. In the present invention, the bottles are rotated relative to the camera during imaging. Images being

compared are taking after each complete 360 degree rotation. The bottle is still spinning on its longitudinal axis, but the images are all taken with the bottle in the same position. This provides advantages compared to the system of Cronshaw as the packaging does not have to be stopped to take the images so that the inspection can be performed in a much shorter time as it is continuous and uses less complicated devices. Therefore, the inspection does not limit the filling capacity and provides for greater manufacturing speed and capacity. The inspection of the present invention is substantially more efficient than the system and methods used in Cronshaw.

Applicant asserts that upon careful inspection, it can be seen that the Cronshaw reference functions as a fundamentally different method and has a fundamentally different structure from that as now recited in the claims. Applicants therefore request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Claims 5, 8, 9, 11 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cronshaw et al. in view of Katane et al. Applicants traverse the rejection. Applicants note that Katane does not disclose a series of at least two image recordings made with a single image recording device. Katane also does not teach or suggest that the packages are situated in the same rotational position during a successive image recording. Moreover, Katane fails to remedy the shortcomings of Cronshaw. Neither of the documents teach or suggest, or even when combined take at least two image recordings of a packaging rotating relative to the recording device with the packaging situated is substantially at the same rotational position for each of the image recordings. Applicants assert that claims 1, 11 and 12 all patentably distinguish over the combination of Cronshaw et al. and Katane et al. Therefore, Applicants assert that the claims depending therefrom also patentably distinguish over the combination for at least the same reasons as well as others. Applicants therefore assert that the rejection under 35 U.S.C. § 103(a) has been overcome and request that it be withdrawn.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



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Respectfully submitted,

MERCHANT & GOULD P.C.

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